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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,670

12/06/2005

Kazumasa Kawabe

136121

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25944 7590 11/14/2008

OLIFF & BERRIDGE, PLC

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ALEXANDRIA, VA 22320-4850

EXAMINER

VANATTA, AMY B

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

11/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,670	<b>Applicant(s)</b> KAWABE ET AL.	
	<b>Examiner</b> Amy B. Vanatta	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>041206</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 (line 4), claim 7 (line 6), claim 8 (line 6), and claim 9 (line 6), the recitation of passing said multi-filament bundle "as fed" through a plurality of fluid flowing portions renders the claim indefinite. It is unclear what is meant by "as fed".

In claim 1, lines 9-10, "while said bundle moving through" should read as "while said bundle is moving through" or "while said bundle moves through" in order to more clearly recite the claimed subject matter. Likewise in claim 2, line 13, claim 7, line 12, claim 8, line 12, and claim 9, line 12.

In claim 1 (lines 18-20) and claim 2 (lines 23-24), "in an upstream side" and "in a downstream side" renders the claim indefinite. It is unclear what side is being referred to, i.e. the side of what? It is unclear whether it is the upstream/downstream side of the spreader, or of the apparatus as a whole, etc.

In claim 3, line 13, "in a process of being spread" renders the claim indefinite since it is unclear what spreading process is being referred to. Is this the previously recited fluid spreading, or another process of spreading? In line 14, the recitation "a fluid flows" renders the claim indefinite since it is unclear when or how this fluid flows.

Claim 4 is indefinite in that the meaning of the claimed “restraint of being drawn back” and “as restrained from being drawn back” relative to the feeding and tensile force is confusing. Also, it is unclear what is moved to the downstream side as in lines 5-6. Also, it is unclear what downstream side is referred to (i.e. the downstream side of what?). In claim 4, lines 7-8, it is unclear whether the recited “pressing” is the same as that previously recited in claim 2.

In claim 7 (line 4) “with aligned in parallel” renders the claim indefinite since it is unclear what is meant by this recitation. I.e. it is unclear what is aligned. Likewise in claim 8 and claim 9.

In claim 10, line 3, it appears that “a number of said suppliers” should read as “a number of suppliers”, since the previously recited supplier is a distinct single supplier recited as an alternative to the creel.

In claim 12, line 7, “a certain pressure” renders the claim indefinite since it is unclear what constitutes such a “certain” pressure. More precise claim language should be recited, for example “predetermined”.

In claim 18, line 10, “as required” renders the claim indefinite since it is unclear what is regarded as “required”.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kawabe et al (US 6,032,342).

Kawabe et al disclose a method of producing a spread multi-filament bundle as claimed, including unwinding and feeding a multi-filament bundle from a yarn supplier (1), passing the bundle in suspension through a plurality of fluid flowing portions (4) succession (see Fig. 21) comprising a fluid flowing spreader. The portions 4 are disposed in series along the moving course of the bundle as claimed (see Fig. 21). The bundle is subjected to fluidal resistance so as to bend the bundle towards a direction to which fluid flows, with the fluid flowing through an interstice between adjacent multi-filaments as claimed (col. 7, lines 19-25; col. 9, lines 36-38; col. 11, lines 48-53; Fig. 10, and Fig. 21). The bundle is continuously passed through the fluid flowing portion located in an upstream side to the fluid flowing portion located in the downstream side (see upstream and downstream spreaders 4 in Fig. 21) to progressively widen the bundle as claimed.

***Allowable Subject Matter***

5. Claims 2-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy B Vanatta/  
Primary Examiner  
Art Unit 3765